

## **Reports required to be submitted to the Appropriations Committee by the 2007 Senate DHS report**

The following is a list of DHS reports directed to be prepared by report 109-273 and delivered to the Appropriations Committees:

*Long Range Aids to Navigation [Loran]-C.*—The Committee denies the request to terminate operations at LORAN stations nationwide and directs the Secretary to refrain from taking any steps to reduce operations at such stations. The Committee further directs the Secretary, in consultation with the Secretary of Transportation, to submit a report to the Appropriations Committee and the Commerce Committee regarding the future of the LORAN system. The report shall include an analysis of the costs and benefits of the LORAN system, the merits of maintaining the LORAN system as a back-up navigational aid, and the benefits of using the LORAN system in conjunction with the Global Positioning System. The report shall be submitted to the Committees within 180 days of enactment of this act.

*Base Realignment and Closure.*—The Senate report accompanying the Department Homeland Security Appropriations Act, 2006 (Public Law 109–90) required the Department to submit a report describing the impact on Department of Homeland Security facilities and activities of the closure or realignment of any Department of Defense base as a result of the base realignment and closure law. Despite a due date of February 10, 2006, this report has not been submitted. The Committee still expects to receive this report. In addition, the report should be updated to include cost estimates from fiscal year 2007 to fiscal year 2011 for any construction, consolidation, relocation or other expenses to affected Department of Homeland Security facilities, assets, or activities due to Defense Department base closures or realignments.

*Contract Staffing Report.*—The Committee received the Department’s report dated January 26, 2006, on the number of contract staff occupying positions budgeted to be filled by Federal employees. The report indicates a decrease of this type of contract staff from fiscal year 2004 to fiscal year 2005. The vast majority of contract staff still filling government positions (73 of 109) is in the Customs and Border Protection (CBP), Office of Field Operations. The Committee is concerned by the CBP section of the report which states, “There are no plans in place to reduce contractor staff.” The Committee expects the Department to make progress in replacing these contract staff personnel with Federal employees. As such, the Department is directed to submit an updated report no later than February 8, 2007,

containing data for fiscal year 2006 and projected for fiscal year 2007, and plans to reduce these types of contract employees in the future.

*Office of the Federal Coordinator for Gulf Coast Rebuilding.*—The Office of the Federal Coordinator for Gulf Coast Rebuilding was established contrary to section 809 of Public Law 109–115 and section 503(a) of Public Law 109–90. The Department is directed to submit to the Committee by September 1, 2006, a report detailing the specific authorities used to establish this office and the agency or component that is providing the funding. In addition, the Committee includes bill language prohibiting funding for the office until the Department submits a reprogramming request for fiscal year 2006 funding and a budget request and expenditure plan for fiscal year 2007 for this office.

*Policy on Tunnels Along the Border.*—The Committee is concerned with the Department's lack of a clear policy regarding which agency is responsible for securing, closing, and, ultimately, filling tunnels which are discovered crossing under our land borders. It appears decisions regarding the handling of tunnels are made on an ad hoc basis depending on which agency discovers the tunnel and has the resources to fill it. With nearly four dozen known tunnels along our borders, it is imperative a policy regarding tunnels be developed. The Committee directs the Secretary to develop a policy regarding tunnels, including identifying the responsible agency and the source of funds to be used to close and fill tunnels, and report to the Committee on this policy not later than February 8, 2007.

*Slow Pace for Grant Awards.*—The Committee continues to be disappointed with the Department's pace for awarding homeland security grants, including grants for port security, intercity bus security, pre-disaster mitigation, buffer zone protection, firefighter (SAFER Act) hiring, and rail/mass transit security. The Committee notes that none of the funds made available to the Department on October 18, 2005, for these programs have been awarded to date and in some cases not even made available for application. The Committee further notes the report the Committee required in House Report 109–241 accompanying the Homeland Security Appropriations Act, 2006 (Public Law 109–90) establishing an expedited schedule for fiscal year 2006 grants has not been submitted to the Committee to date, despite a due date of February 10, 2006. The Committee directs the Department to prepare a report by November 1, 2006, that lays out an expeditious and responsible schedule for making grants for the funds made available by this act. If any funds are to be awarded after March 30, 2007, the Department should provide a detailed explanation for the delay.

*Office of the Chief Procurement Officer.*—The Committee fully funds the budget request for the Office of the Chief Procurement Officer. The Committee directs the Chief Procurement Officer to use the increase for hiring and training of qualified procurement officers. The Senate report and the Statement of Managers accompanying the Department of Homeland Security Appropriations Act, 2006 (Public Law 109–90) requires the Department to submit to the Committee a report on the adequacy of the number and training of procurement officers in the Department. Despite a due date of February 10, 2006, this report has not yet been received. The Department is directed to expedite the delivery of this report and include in the submission, the data for fiscal years 2004, 2005, 2006, and proposed for fiscal year 2007.

*Human Resources System (MAX HR).*—The Committee recommendation includes \$35,000,000, an increase of \$5,300,000 from the fiscal year 2006 level, to support the design, detailed program development, and deployment of the new DHS human resources management system. The Committee recommendation does not provide the funding level proposed in the budget due to ongoing litigation. The Secretary of Homeland Security is directed to submit an updated expenditure plan to the Committees on Appropriations of the Senate and House of Representatives within 90 days after the date of enactment of the act, based on the final fiscal year appropriation. The report shall list all contract obligations, by contractor and year, along with the purpose of the contract.

*Budget Execution Report.*—The Committee includes bill language requiring the Department to continue submitting to the House and Senate Committees on Appropriations a monthly budget execution report showing the status of obligations and costs for all components of the Department and on-board staffing levels. The report should include the total obligational authority appropriated (new budget authority plus unobligated carryover), undistributed obligational authority, amount allotted, current year obligations, unobligated authority (the difference between total obligational authority and current year obligations), beginning unexpended obligations, year-to-date costs, and ending unexpended obligations. This budget execution information is to be provided at the level of detail shown in the tables displayed at the end of this report for each departmental component and the Working Capital Fund. This report shall be submitted no later than 45 days after the close of each month.

*Unobligated Balances.*—The Senate report and the Statement of Managers accompanying the Conference Report on the Department of Homeland Security Appropriations Act, 2006 (Public Law 109–90) required the Department to submit

to the Committee on Appropriations a report listing all funds transferred to the Department when it was formed that remain unobligated, the purpose for which the funds were appropriated, the reason the funds remain unobligated, and the Department's plan for use of these funds. Despite a due date of February 10, 2006, this report has not yet been received. The Department is directed to expedite the delivery of this report.

*Evaluation of DHS Intelligence Systems.*—The Committee directs the Chief Intelligence Officer to report no later than 90 days after the date of enactment of this act on efforts to address concerns reported in the Office of Inspector General Report OIG–05–34.

*People Access Security Service [PASS] Card.*—The Committee directs the Secretary of Homeland Security, jointly with the Secretary of State, to submit no later than 30 days after the date of enactment of this act a report on the current status of the selection of the architecture for the Western Hemisphere Travel Initiative document known as PASS card and whether the agencies can meet the legislative implementation deadlines. In addition, the Department of Homeland Security [DHS] should identify for the Committee the budget for implementation of this program, including PASS card readers at the ports of entry [POEs]; necessary infrastructure improvements at the POEs; and training for DHS and other Federal government staff. Language is included in the bill regarding deadlines and implementation requirements for the PASS card.

*Resource Allocation Model.*—A Government Accountability Office [GAO] report (GAO–05–663) states “CBP does not systemically assess the number of staff required to accomplish its mission at ports and airports nationwide.” The Committee directs CBP to submit by February 8, 2007, a resource allocation model for current and future year staffing requirements. The report should assess optimal staffing levels at all land, air, and sea ports of entry for fulfillment of all CBP missions. CBP should consult with appropriate non-Federal partners, such as airport operators and port authorities, regarding estimated future passenger growth and throughput as well as issues such as automatic secondary inspection requirements.

Further, the Committee directs CBP to submit a separate report on resources allocated to the Santa Teresa, New Mexico, port of entry, including an analysis of the impact of expanding the hours of commercial operations from 10 hours per day to 16 hours per day.

*Vehicle Fleet Management.*—The Committee directs an updated vehicle fleet management report be submitted by February 8, 2007, which includes details on the numbers and types of new and replacement vehicles CBP procured in fiscal year 2006 and intends to procure in fiscal year 2007, as well as details on the gap, if any, between existing vehicles and actual requirements resulting from increased CBP hiring.

*Anti-Dumping Enforcement.*—The Committee has ensured, within the amounts provided for this account, the availability of sufficient funds to enforce the anti-dumping authority contained in section 754 of the Tariff Act of 1930 (19 U.S.C. 1675c). The Committee directs CBP to continue to work with the Departments of Commerce and Treasury, and the Office of the United States Trade Representative (and all other relevant agencies) to increase collections and to provide an annual report within 30 days of each year's distributions under the law summarizing CBP's efforts to collect past due amounts and increase current collections, particularly with respect to cases involving unfairly-traded Asian imports. The Committee directs CBP to update that report, in particular, by breaking out the non-collected amounts for each of the fiscal years 2004, 2005, 2006, 2007, and each year thereafter, by order and claimant, along with a description of each of the specific reasons for the non-collection with respect to each order. CBP is also directed to provide the Committee on Appropriations with prior notice of (1) how CBP plans to clarify or provide guidelines for the preparation of Continued Dumping and Subsidy Offset Act [CDSOA] certification of claims; and (2) any modifications or revisions of regulations that may be proposed by CBP concerning CDSOA. CBP is also directed to report to the Committee on Appropriations no later than February 8, 2007, with specificity on what it has done to (1) formalize plans for managing and improving CDSOA program processes, staff, and technology; (2) develop and execute a human capital plan; and (3) develop a process for systematically verifying claims in accordance with the third and fourth recommendations made in GAO-05-979 "International Trade: Issues and Effects of Implementing the Continued Dumping and Subsidy Offset Act," dated September 2005.

*Investigations, Worksite Enforcement.*—Included in the amount recommended by the Committee is \$57,910,000, an increase of \$19,681,000 from fiscal year 2006 level, to enhance resources devoted to worksite enforcement. The Committee is discouraged by the slow pace with which ICE has approached the worksite enforcement program. A significant expansion of this program is funded for the current fiscal year, with the expectation ICE report to the Committee on the planned use of those resources. No plan has been submitted. Given the critical

importance of this program, the Secretary is directed to submit to the Committee the plan for the fiscal year 2006 worksite enforcement resources forthwith.

*Detention and Removals Reporting.*—The Committee continues to request ICE to submit a quarterly report to the Committee which compares the number of deportation, exclusion, and removal orders sought and obtained by ICE. The report should be broken down by district in which the removal order was issued; by type of order (deportation, exclusion, removal, expedited removal, and others); by agency issuing the order; by the number of cases in each category in which ICE has successfully removed the alien; and by the number of cases in each category in which ICE has not removed the alien. The first fiscal year 2007 quarterly report is to be submitted no later than January 30, 2006.

*Reducing the Number of Alien Absconders.*—The Committee last year directed the Department, in conjunction with the Department of Justice, to submit a report by February 18, 2006, on the efforts each Department will take to reduce the absconder rate, including proposed changes to existing policies, procedures, and laws to further assist in reducing the absconder population. The Department has yet to submit this report. The Committee directs the Department to submit the report as expeditiously as possible.

*Detainee Bonds.*—ICE and organizations that issue bonds for detainees could improve cooperation in order to more effectively reduce the number of aliens who abscond after the issuance of final Orders of Removal. ICE is to submit a report to the Committee by February 8, 2007, on how to improve information sharing and cooperation with bondholders.

*Detention of Unaccompanied Minors.*—The Committee remains concerned about reports of unaccompanied alien minors who are not being transferred in a timely fashion to the Office of Refugee Resettlement [ORR]. The Committee directs ICE, in conjunction with CBP, to submit a report by February 8, 2007, detailing by month for each of fiscal years 2005 and 2006, the number of unaccompanied alien minors detained by DHS for 72 hours or less, the number detained more than 72 hours, and an explanation for each minor held in DHS custody longer than 72 hours. Further, the report should include recommendations of actions to improve the coordination between DHS and ORR.

*Separation of Families.*—The Committee is concerned about the continued separation of families detained by the Department. The Committee directs ICE to submit a report by February 8, 2007, assessing the impact of the Hutto Family

Center in Williamson, Texas, on the number of families required to be separated, and providing updated forecasts of family detention space needs for the next 2 years.

*Colorado Springs, Colorado.*—The Committee directs ICE to submit a report by February 8, 2007, on the costs and need for establishing a sub-office in Colorado Springs, Colorado.

The Committee includes bill language requiring the Secretary to provide the Committees on Appropriations of the Senate and House of Representatives a report in response to the findings of the Department's Office of Inspector General's report (OIG-04-44) concerning contractor fees.

The Committee directs TSA to report no later than February 8, 2007, on findings from interviews of TSOs leaving the TSA workforce. The report shall include a strategy on how the retention initiative funding will reduce TSO attrition rates to a more manageable level. The Committee is also concerned with the rising costs of worker injuries and encourages TSA to aggressively reduce injury costs through strategies of prevention, education, case management, and nurse intervention.

*Explosive Detection Systems [EDS]/Explosive Trace Detection [ETD] Maintenance.*—The Committee recommends \$210,000,000, an increase of \$12,000,000 from the fiscal year 2006 level and a decrease of \$24,000,000 from the level proposed in the budget for EDS/ETD maintenance. The Committee is encouraged by the savings that TSA has achieved in per-machine maintenance costs and urge TSA to continue to work aggressively with the workforce and contractors to lower these costs. The Committee includes bill language limiting the obligation of \$25,000,000 until the Department provides a report to the Committee in response to the findings in the Department's Office of Inspector General's report (OIG-04-44) concerning contractor fees.

The Committee is concerned that the TSA estimate of eligible reimbursable costs included in the LOI agreement for the Los Angeles and Ontario international airports differs substantially from the revised estimate submitted to TSA by the airport sponsors last year. The Committee directs GAO, 45 days after enactment of the act, to report to the Committee and the Secretary a correct estimate of eligible costs and to provide a detailed explanation of the reasons for any differences from the original estimate, including identification of and the party responsible for any material mistakes, omissions, and infeasible design concepts in the original estimate.

The Committee expects TSA to provide the funding necessary for the National Explosives Detection Canine Team Program to meet its goal of canine teams devoting approximately 25 percent of their airport utilization time to screening cargo. The Committee directs TSA to submit a report to the Committee no later than February 8, 2007, on efforts to achieve this goal.

The Committee includes bill language directing the Secretary of Homeland Security to research, develop, and procure new technology to inspect and screen air cargo carried on passenger aircraft at the earliest date possible. Existing checked baggage explosive detection equipment and screeners shall be utilized to screen air cargo carried on passenger aircraft to the greatest extent practicable at each airport until such technologies are available. The language also requires the Department to report air cargo inspection statistics quarterly to the Committee, by airport and air carrier, including any reasons for non-compliance with the second proviso of section 513 of Public Law 108–334, within 45 days after the end of the quarter.

Within 30 days of the close of each quarter of the fiscal year, the Coast Guard shall report personnel expenditures associated with each AC&I program, project, and activity as displayed in the Comparative Statement of New Budget Authority for Fiscal Year 2007 located in the back of this report.

*Long Range Aids to Navigation [Loran]-C.*—The Committee denies the request to terminate operations at LORAN stations nationwide and directs the Secretary to refrain from taking any steps to reduce operations at such stations. The Committee further directs the Secretary, in consultation with the Secretary of Transportation, to submit a report to the Appropriations Committee and the Commerce Committee regarding the future of the LORAN system. The report shall include an analysis of the costs and benefits of the LORAN system, the merits of maintaining the LORAN system as a back-up navigational aid, and the benefits of using the LORAN system in conjunction with the Global Positioning System. The report shall be submitted to the Committees within 180 days of enactment of this act.

*Quarterly Acquisition and Mission Emphasis Reports.*—The Commandant is directed to continue to submit the quarterly acquisition and mission emphasis reports to the Committee consistent with the deadlines articulated under section 360 of Division I of Public Law 108–7.

The Committee expects the Coast Guard to move forward with the relocation and rebuilding of the Gulfport Coast Guard Station, in coordination with State and



local officials at the earliest date possible and to submit to the Committee a report detailing the full design, construction, and equipment cost for the new facility by February 8, 2007.

The Committee recommends total resources of \$3,854,538,000. The Committee encourages the Department to continue to place emphasis on regional strategies to ensure that the Nation's communities are prepared, trained, and engaged in the event of a disaster. The Committee applauds the Department's efforts in the creation of the National Infrastructure Protection Plan [NIPP] and expects the Office for Domestic Preparedness [ODP] to operate critical infrastructure programs in a manner consistent with the NIPP. The Committee is frustrated that ODP, to date, has not issued the final National Preparedness Goal [NPG], as required in Public Law 109–90 by December 31, 2005. The Committee directs the Secretary to provide a report by February 8, 2007, explaining why NPG is delayed, when it will be published, and what substantive improvements have been made to NPG in the interim. The following table summarizes the Committee's recommendations

In addition, the Committee includes bill language requiring the Government Accountability Office [GAO] to review the validity, relevance, reliability, timeliness, and availability of the risk factors (including threat, vulnerability, and consequence), and the application of those factors in the allocation of funds provided to ODP, and to report to the Committee no later than 45 days after enactment of the act on the results of the review. The Department is required to provide GAO with the necessary information within 7 days after enactment of this act to ensure this review does not impact the allocation of grants to State and local entities.

*National Domestic Preparedness Consortium [NDPC].—*The Committee directs ODP to prepare a long-range strategic plan for NDPC. This plan should incorporate the input of each of the existing Consortium members and shall be submitted to the Committee on February 8, 2007. The plan shall include, but not be limited to, projected future training demand, capacity, and performance measures for each Consortium member and the Consortium as a whole. The report shall also include recommendations, if any, for the possible expansion of the program. The Committee is aware of proposals to expand the program to include emergency preparedness within the railroad and mass transit environment and to reduce the risks associated with natural disasters. The NDPC program is authorized by Public Law 107–273, section 5002.

*Use of Funds.*—The Department is to submit a report to the Committee by February 8, 2007, detailing what State and local governments have purchased with fiscal year 2006 homeland security State and local assistance grants; whether these expenditures have complied with State homeland security plans; and how homeland security has been enhanced by such expenditures.

The Committee recommends total appropriations of \$525,056,000 for Infrastructure Protection and Information Security [IPIS] programs. The Committee includes bill language directing the Secretary to submit to the Committee the report required in the statement of the managers (House Report 109–241) accompanying Public Law 109–90 on resources necessary to implement mandatory security requirements for the Nation’s chemical sector and to create a system for auditing and ensuring compliance with the security standards.

*Backlog Elimination.*—The Committee directs CIS to continue to report quarterly on the status of application processing and the backlog reduction plan.

*Budget Submission.*—The Committee understands in May 2006 other agencies identified in DNDO’s global strategy for domestic nuclear detection were required to submit their five-budget projections to DNDO. Developing a crosscut of all agencies involved in the global strategy is critical to the success of its mission. DNDO is directed to report to the Committee no later than November 1, 2006, on the budget crosscut. The budget crosscut should include investments of all entities, how these investments will meet the goals of the global strategy, the performance measures associated with these investments, identification of investment gaps, and what budgetary mechanisms DNDO will have in place to ensure appropriate and adequate resources are requested.

*Radiological and Nuclear Forensic and Attribution program.*— The Committee provides \$8,450,000, instead of \$16,900,000 as proposed in the budget, for the Radiological and Nuclear Forensic and Attribution program. The Committee is aware this program is jointly managed by the Department of Homeland Security and the Federal Bureau of Investigation [FBI] and believes the FBI should contribute half of the funding for this program. The Committee understands this program seeks to establish a network of laboratories and facilities for a national nuclear forensic capability. DNDO is to report to the Committee no later than February 8, 2007, on the selection process of the laboratories and facilities and how each one will enhance the Nation’s nuclear forensic capability.

The Committee expects the Department to submit reprogramming requests on a timely basis, and to provide complete explanations of the reallocations proposed, including detailed justifications of the increases and offsets, and any specific impact the proposed changes will have on current and future-year appropriations requirements. Each request submitted to the Committee should include a detailed table showing the proposed revisions at the account, program, project, and activity level to the funding and staffing (full-time equivalent position) levels, as compared to program, project, and activity levels reflected in the table in the statement of managers accompanying the conference report on the fiscal year 2007 appropriations Act as well as the impact on appropriations requirements for each future fiscal year.

The Committee directs GAO to continue to evaluate Department of Homeland Security actions to meet the 10 elements listed in section 522 of Public Law 108–334 and to report to the Committee, either incrementally as DHS meets additional elements, or when all elements have been met.